

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

V.

0.246 ACRES OF LAND, MORE OR  
LESS, SITUATE IN STARR COUNTY,  
STATE OF TEXAS; AND SABINO  
ALVAREZ, JR., *et al.*

*Defendants.*

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CASE NO. 7:20-CV-424

# JOINT STATUS REPORT

Pursuant to the Court’s April 14, 2021 Order,<sup>1</sup> the United States of America (hereinafter “United States”) and Defendant Javier Alvarez file this Joint Status Report and inform the Court as follows:

1. On December 18, 2020, Plaintiff filed a Complaint in Condemnation<sup>2</sup> and Declaration of Taking<sup>3</sup> pursuant to 40 U.S.C. §§ 3113 and 3114 for the taking of property to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas on Defendants' real property located in Starr County, Texas.
2. On that same day, the Court issued an Order for Conference<sup>4</sup> and scheduled an Initial Pretrial and Scheduling Conference for March 16, 2021.

<sup>1</sup> Dkt. No. 35.

<sup>2</sup> Dkt. No. 1.

<sup>3</sup> Dkt. No. 2.

<sup>4</sup> Dkt. No. 4.

3. On February 24, 2021, the United States filed a Motion for a Continuance of the Joint Discovery/Case Management Plan and the Initial Pretrial and Scheduling Conference<sup>5</sup> seeking a continuance of at least sixty (60) days due to President Joseph R. Biden, Jr.'s January 20, 2021 Presidential Proclamation terminating the national emergency at the Southern Border Wall and directing "a careful review of all resources appropriated or redirected to construct a southern border wall" through the development of "a plan for the redirection of funds concerning the southern border wall."<sup>6</sup>
4. On February 26, 2021, the Court issued an Order<sup>7</sup> granting the United States Motion for a Continuance of the Joint Discovery/Case Management Plan and the Initial Pretrial and Scheduling Conference and continuing the initial pretrial conference previously scheduled for March 16, 2021 to April 13, 2021. The Court further ordered the parties to file a joint discovery/case management plan by April 2, 2021.
5. On April 1, 2021, the parties filed their Joint Discovery/Case Management Plan<sup>8</sup> informing the Court that the United States continues to await guidance on whether it will be allowed to proceed with this case and that there are title issues in this case.
6. On April 13, 2021, the Court held an Initial Pretrial and Scheduling Conference wherein the United States and counsel for Defendant Javier Alvarez informed the Court that the federal plan for development of the border barrier project is still ongoing, but the Subject Property may be eligible for revestment should that become an option. The parties further informed the Court that Defendant Javier Alvarez was attempting to locate an unrecorded

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<sup>5</sup> Dkt. No. 25.

<sup>6</sup> Pres. Proc. No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021).

<sup>7</sup> Dkt. No. 26.

<sup>8</sup> Dkt. No. 31.

deed which allegedly vested title to the Subject Property in him, but if it could not be located title would likely need to be resolved through the Court.

7. On April 14, 2021, the Court issued an Order<sup>9</sup> for the parties to appear for a status conference on June 18, 2021, and to file a status report by June 7, 2021. Accordingly, the United States and Defendant Javier Alvarez now provide the following status update:

- a. Prior to entry of Presidential Proclamation No. 10142 on January 20, 2021, no construction occurred on the land condemned in this suit. Additionally, construction has not commenced in this area of the project.
- b. The United States has continued to be in contact with Defendant Javier Alvarez but to date, Defendant Javier Alvarez has not been able to locate the unrecorded deed which allegedly vested title to the Subject Property in him. At this point, it does not appear that the alleged deed will be found. Defendant Javier Alvarez maintains that he is the sole owner of the Subject Property.
- c. The United States has also conferred or attempted to confer with the remaining Defendants in this case. The following Defendants have indicated that they are in disagreement regarding Defendant Javier Alvarez's claims of ownership of the Subject Property: Sylvia Alvarez Cox, Jose Adan Alvarez, Jorge Alfredo Alvarez, Gerardo Alvarez, and Raul Alvarez, Jr. These remaining Defendants maintain that they did not sell their interest in the Subject Property to Defendant Javier Alvarez, and therefore they still have an ownership interest. The United States was not able to confer with the other remaining Defendants in preparation of this Status Report despite attempts to reach them at their last known phone numbers.

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<sup>9</sup> Dkt. No. 35.

- d. Due to Defendant Javier Alvarez's inability to locate the deed which allegedly which allegedly vested title to the Subject Property in him, and the remaining Defendants' disagreement regarding his alleged ownership of the Subject Property, the United States has been unable to clear title or negotiate just compensation with the appropriate parties. Accordingly, a title determination will be necessary in this case.
8. The parties therefore request the Court set a deadline in approximately sixty (60) days for the parties to file a motion to determine title and briefs addressing title in this case. Alternatively, if the parties are able to resolve title before then, the parties will file a documentation informing the Court that the title issues have been resolved.
9. The United States is hopeful that a resolution can be reached in this case once title is resolved and further guidance is received regarding the Border Infrastructure Project.

Respectfully submitted,

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**FOR DEFENDANT JAVIER  
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*/s/ J.M. "Chuy" Alvarez (with permission)*

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**CERTIFICATE OF SERVICE**

I, Roland D. Ramos, Assistant United States Attorney for the Southern District of Texas, hereby certify that on June 7-8, 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

By: */s/ Roland D. Ramos*  
**ROLAND D. RAMOS**  
Assistant United States Attorney